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Ozone update roundup

1 — New EPA ozone standards will squeeze North Texas, Dallas Morning News, 10/1/2015

<http://thescoopblog.dallasnews.com/2015/10/new-epa-ozone-standards-will-squeeze-north-texas.html/>

The Environmental Protection Agency announced new air quality standards for ozone. Ozone is the triad of oxygen molecules that is one of the nastier ingredients in smog. The old standard was a maximum average over three years, using a complex formula of 75 parts per billion. The new one is 70 parts per billion.

2 — New federal clean air standards won't mar Austin's economy, Austin American-Statesman, 10/1/2015

<http://www.mystatesman.com/news/news/new-federal-clean-air-standards-wont-mar-austins-e/nnsPX/>

The Austin area appears to have dodged the prospect of new smog limits that might have hindered regional economic development. If the Austin area had run afoul of the new federal clean air standards, the region's economy could have suffered tens of billions of dollars in losses over the next three decades, according to a recent report by a coalition of local governments.

3 — S.A. would fail new air quality standard, San Antonio Express-News, 10/1/2015

<http://www.mysanantonio.com/news/local/article/New-federal-ozone-rules-to-have-local-impact-6543786.php>

Local leaders and environmentalists said they soon will work to develop a regional plan to improve the air quality in San Antonio, which would be in violation of a new federal clean air standard announced Thursday if it was in effect now.

4 — Obama administration issues rules to curb ozone, Houston Chronicle, 10/1/15

<http://www.houstonchronicle.com/news/houston-texas/houston/article/Obama-Administration-issues-rules-to-curb-ozone-6543739.php>

The Obama administration on Thursday unveiled a controversial and long-delayed environmental regulation that will curtail emissions of lung-irritating ozone, putting smoggy cities such as Houston even further behind in efforts to comply with the federal limit.

5 — EPA puts in place stricter rules on ozone, Arkansas Democrat-Gazette, 10/2/2015

<http://www.arkansasonline.com/news/2015/oct/02/epa-puts-in-place-stricter-rules-on-ozo-1/?latest>

The U.S. Environmental Protection Agency announced Thursday tighter standards on ground-level ozone, which is often referred to as smog.

6 — EPA sets new ozone standards, Longview (TX) News-Journal, 10/2/2015

<http://www.news-journal.com/news/2015/oct/01/epa-sets-new-ozone-standards/>

Federal transportation funds could be at stake for area counties if they can't comply with a new, tighter standard for ozone that was set Thursday by the U.S. Environmental Protection Agency.

7 — Oklahoma likely will meet ozone regulations, The Oklahoman, 10/2/2015

<http://newsok.com/article/5450718>

Oklahoma is expected to be able to meet tighter limits for ground-level ozone, or smog, unveiled Thursday by the Environmental Protection Agency.

Other news

8 — EPA releases program for the Illinois River Basin, Muskogee (OK) Phoenix, 10/2/2015

http://www.muskogee phoenix.com/news/epa-releases-program-for-the-illinois-river-basin/article_05b4890b-8e10-5bee-b53a-98457fb1e6b8.html

Federal environmental regulators released on Thursday their long-awaited modeling program for the Illinois River Basin that eventually will be used to set limits for pollutants entering the watershed and Tenkiller Lake.

9 — Guardian, EPA reach settlement on alleged Clean Air Act violations, Corsicana (TX) Daily Sun, 10/1/2015

<http://bit.ly/1Go6s73>

The Department of Justice and the Environmental Protection Agency (EPA) have announced a settlement with Guardian Industries Corp. that will resolve alleged violations of the Clean Air Act at Guardian's flat glass manufacturing facilities throughout the U.S. One of those facilities is located in Corsicana, Texas, noted U.S. Attorney John Parker of the Northern District of Texas.

10 — Mosaic Fertilizer pledges \$2 billion to settle hazardous waste complaints, New Orleans Times-Picayune, 10/1/2015

http://www.nola.com/environment/index.ssf/2015/10/mosaic_fertilizer_pledges_2_bi.html

Mosaic Fertilizer, LLC, one of the world's largest manufacturers of phosphate and potash fertilizers, has entered into a \$2 billion settlement with the Environmental Protection Agency, Louisiana Department of Environmental Quality and Florida Department of Environmental Protection to end a 10-year battle over the disposal of hazardous wastes in huge stacks of gypsum wastes along the Mississippi River in Louisiana and in several locations in Florida.

11 — Oklahoma Gov. Mary Fallin discusses earthquakes and fracking at water and energy event, The Oklahoman, 10/1/2015

<http://newsok.com/oklahoma-gov.-mary-fallin-discusses-earthquakes-and-fracking-at-water-and-energy-event/article/5450487>

Touching on hot-button issues such as triggered earthquakes and hydraulic fracturing, Oklahoma Gov. Mary Fallin said Wednesday states are best positioned to come up with solutions involving energy development and water usage.

12 — Sierra Club presses to hasten haze plan, Arkansas Democrat-Gazette, 10/2/2015

<http://www.arkansasonline.com/news/2015/oct/02/sierra-club-presses-to-hasten-haze-plan/>

The Sierra Club reasserted its request that a federal judge set an April date for the U.S. Environmental Protection Agency to submit a final plan for Arkansas to implement regional haze rules.

13 — Exxon is fined \$2.6M for spill, Arkansas Democrat-Gazette, 10/2/2015

<http://www.arkansasonline.com/news/2015/oct/02/exxon-is-fined-2-6m-for-spill-20151002/>

A federal regulatory agency fined Exxon Mobil \$2.6 million on Thursday over a series of safety violations that preceded an oil spill in Mayflower more than two years ago.

14 — Feds: Proposed pipeline rules could have prevented accidents, The Oklahoman, 10/2/2015

<http://newsok.com/feds-proposed-pipeline-rules-could-have-prevented-accidents/article/feed/898369>

New federal rules proposed for pipelines that carry oil and other hazardous liquids could have prevented more than 200 accidents since 2010, including a Michigan rupture that ranks as the costliest onshore spill in U.S. history, federal officials said.

15 — Local water quality under watchful eyes, Miami (OK) News-Record, 10/2/2015

http://www.miamiok.com/news/article_c09135aa-c312-53a8-b181-53d2be5d4987.html

Northeast Oklahoma residents can't go far without having to cross a river, stream or lake. The quality of those waters, most of which run into Grand Lake and the state of the lake are under the watchful eyes of more people than you may know.

16 — State of Tyler's water system, KLTv, 10/2/2015

<http://www.kltv.com/story/30161395/state-of-tylers-water-system>

Tyler's city budget goes into effect Thursday which means approved funding for the city's expanding and aging water system.

17 — Superfund talk dominant at Senate hearing on Colorado mine spill, KLTv, 10/2/2015

http://www.denverpost.com/news/ci_28906259/superfund-talk-dominant-at-senate-hearing-colorado-mine

Talk of Superfund designation was dominant Thursday as Colorado's senators listened to testimony in Washington about the small-business impacts of the Gold King Mine spill above Silverton.

18 — U.S. fuel economy data on cars inaccurate and getting worse, study finds, Reuters, 10/2/2015

<http://www.reuters.com/article/2015/10/01/usa-mileage-idUSL1N1212XV20151001>

Oct 1 The U.S. government's testing underestimates how much fuel cars will burn on the road, and the problem has gotten worse, according to a study released on Thursday.

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back on the streets.

The
Economist

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New EPA ozone standards will squeeze North Texas



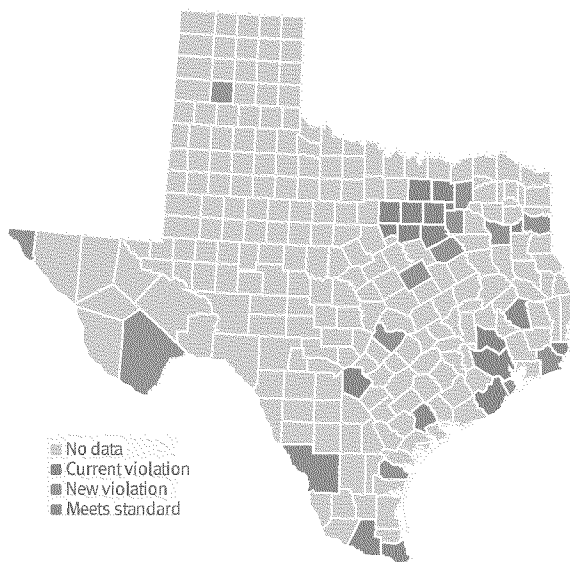
Jeffrey Weiss

Published: October 1, 2015 4:14 pm

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Ozone levels in Texas

12 more counties would have violated new EPA stanrds in 2011-2013



SOURCE: Environmental Protection Agency

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The Environmental Protection Agency announced **new air quality standards for ozone**. Ozone is the triad of oxygen molecules that is one of the nastier ingredients in smog. The old standard was a maximum average ove three years, using

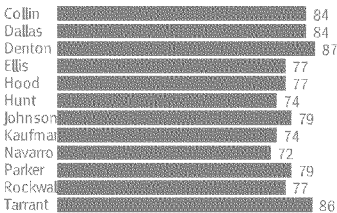
a complex formula of 75 parts per billion. The new one is 70 parts per billion.

If these new standards had been in place during 2011-2013, a dozen Texas counties that passed under the old standard would have been considered out of compliance. You can see those counties in the map above. They're the ones in orange.

The counties in North Texas?

Ozone levels in North Texas

Three-year average high levels from 2011-2013 in parts per billion



SOURCE: Environmental Protection Agency
jeffreyweissdmn
(https://twitter.com/jeffreyweissdmn)

You can see that many North Texas counties had averages in the mid- to upper 80s, so this just moves the bar father away. Higher ozone, most scientists agree, makes people sick. And many experts have said that the standard needs to be closer to 60 parts per billion.

The process of determining whether a county or larger area is

of the new standards won't happen until 2017. created and approved by the state set the standards in 10 to 20 years, on local factors.

Failure to meet the standards could make it harder for new industries or transportation plans to get needed federal permits unless the plans include significant reductions in air pollution. Most Texas ozone is produced by motor vehicles, industrial waste and coal-burning generators.

The state agency charged with regulating air pollution, the Texas Commission on Environmental Quality, has yet to weigh in on today's news,. But last year, the director of the agency's toxicology division commented on what was then a proposal to tighten the standard. Said Dr. Michael Honneycutt:

"The EPA is considering lowering the existing national eight-hour ozone standard from its current level of 75 parts

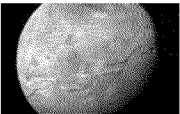


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EPA tightening limits on smog-causing ozone linked to asthma,

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per billion (ppb) to a much lower range, between 70 and 60 ppb. However, after an in-depth review of the EPA's analysis, as well as a thorough study of the relevant scientific literature, the TCEQ has concluded that there will be little to no public health benefit from lowering the current standard."

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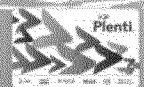
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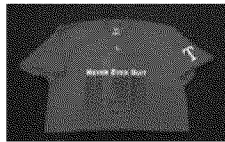
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3 Comments

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"The TCEQ has concluded that there will be little to no public health benefit from lowering the current standard." The TCEQ probably shreds every ozone report they get because it goes against the state's "business friendly" model.

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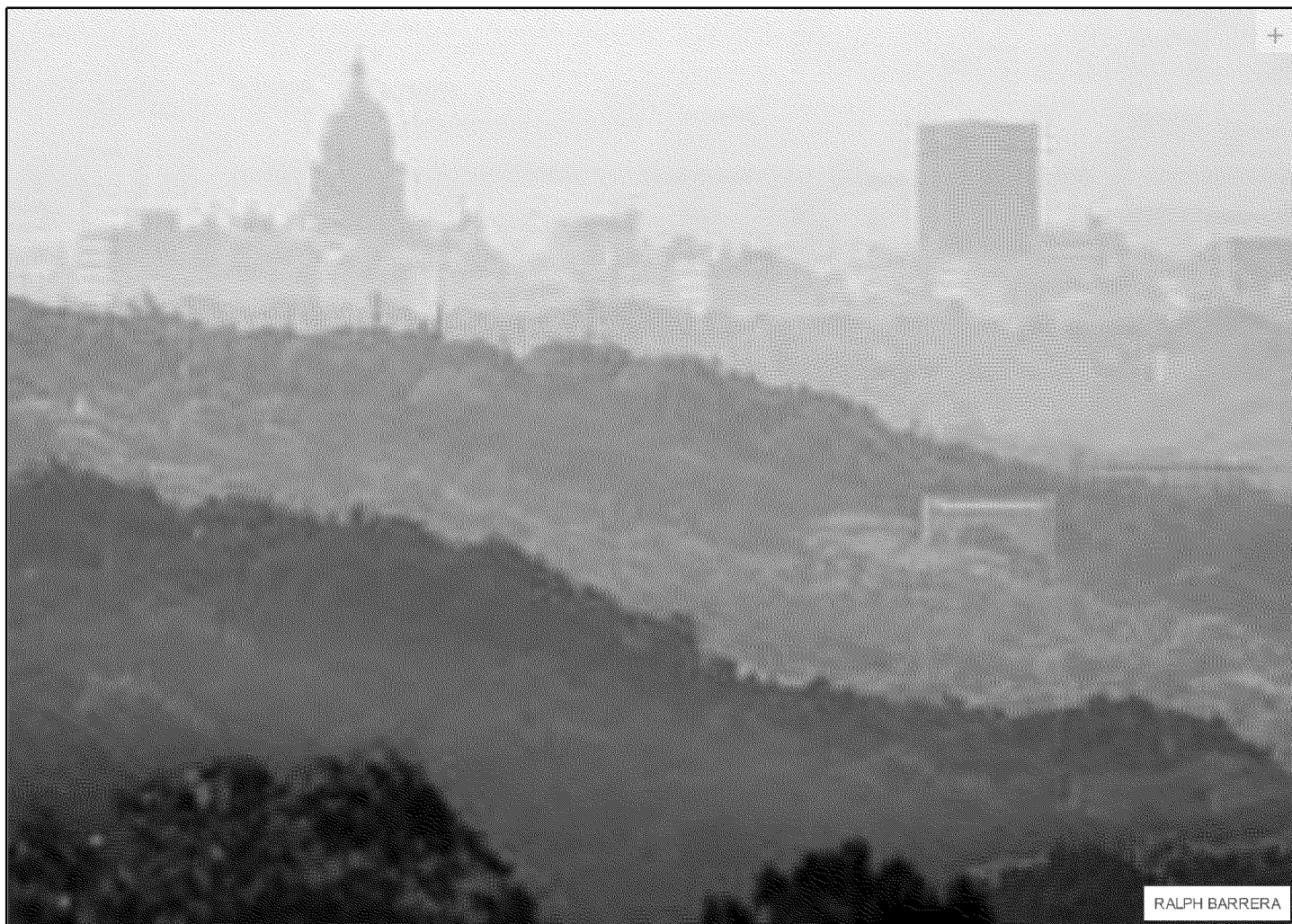
New federal clean air standards won't mar Austin's economy

Posted: 5:17 p.m. Thursday, Oct. 1, 2015

By Asher Price - American-Statesman Staff

The Austin area appears to have dodged the prospect of new smog limits that might have hindered regional economic development.

If the Austin area had run afoul of the new federal clean air standards, the region's economy could have suffered tens of billions of dollars in losses over the next three decades, according to a recent report by a coalition of local governments.



This is a view looking east of the city skyline from the scenic overlook along the Capital of Texas Highway west ... [Read More](#)

The U.S. Environmental Protection Agency announced Thursday that it is lowering the current smog standard from 75 parts per billion to 70 parts per billion.

That means Austin, which has been consistently ratcheting down its smog concentrations — it's at 68 parts per billion this year — **will** remain on the right side of the more stringent standard.

“Every resident of Central Texas can be proud of the success of the region's efforts to keep the air clean and avoid the burdens of an ozone nonattainment designation,” said Travis County Judge Sarah Eckhardt, who chairs the Central Texas Clean Air Coalition, an association of officials from local governments.



Motorists drive on MoPac Boulevard in Austin. Ozone is the primary air pollutant of concern in the Austin area and high ...
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The federal smog standards — and related penalties — are meant to reduce premature deaths, asthma, bronchitis, hospital and emergency room visits and days when people miss work or school.

The Austin area spends roughly \$30 million on vehicle inspections and repairs per year to ratchet down smog levels.

About half the money comes through the \$16 annual vehicle emissions inspection that motorists of Travis and Williamson counties have annually.

- New clean air rules could cost Austin region billions, report says
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- How Austin could be affected by EPA's proposed air emissions standards

The efforts have helped drop the ozone levels from 77 parts per billion in 2008. And federally mandated fuel standards that take effect in 2017 are expected to reduce Austin's ozone levels to 65 parts per billion by that year.

But there's a chance that, had the EPA opted for a 65 part per billion standard, the Austin economy could have lost billions of dollars. A violation could trigger new federal regulations, including one that requires companies to demonstrate that new facilities meet a number of special pollution abatement requirements. A recent report by the Capital Area Council of Governments predicted such regulations would put the kibosh on heavy manufacturing expansion in Central Texas.

Even with the reprieve, the area is unlikely to abandon the vehicle emissions inspection requirement it

voluntarily imposed on the public to keep air quality clean. A poll conducted by the Capital Area Council of Governments, which coordinates regional planning efforts, found that 70 percent of Travis County residents surveyed and 66 percent of Williamson County residents surveyed support the emissions inspection program.

But neither environmental groups nor industry appeared completely satisfied with the EPA decision.

Environmental groups had pushed the Obama administration to set a smog standard of 60 parts per billion in the interests of public health.

"The EPA's announcement today brings us one step closer to ensuring cleaner, healthier air for Texas families, but it's too small a step when lives are at risk," said Chrissy Mann, senior campaign representative with the Sierra Club's Beyond Coal campaign. "We must do even better to keep our communities healthy and safe."

America's Natural Gas Alliance, which represents independent natural gas exploration and production companies, argued the new smog standard was too restrictive.

"It is clearly a step in the wrong direction," said the alliance's executive vice president, Frank Macchiarola, arguing that the new regulatory burden will dampen investment during a period of uncertainty in the oil and gas business.

EPA chief Gina McCarthy said her job is to set science-based standards that protect public health.

"Put simply, ozone pollution means it hurts to breathe for those most vulnerable: our kids, our elderly and those suffering from heart and lung ailments," McCarthy said in a prepared statement. "Today's action is one of the most important measures we can take for improving public health, reducing the costs of illness and protecting our children's health."

How to ratchet down air quality

Air quality experts say ways Central Texans can help keep the region in compliance with smog standards include:

- Purchase newer, cleaner vehicles.
- Avoid driving alone to work.
- Avoid unnecessary vehicle trips and idling.
- Conserve energy.



<http://www.mysanantonio.com/news/local/article/New-federal-ozone-rules-to-have-local-impact-6543786.php>

S.A. would fail new air quality standard

New federal ozone rules to have local impact

By Scott Huddleston Updated 4:43 pm, Thursday, October 1, 2015

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IMAGE 1 OF 32

Haze lingers over the downtown skyline mid day on July 11, 2013. San Antonio already fails an air quality standard at one of its monitoring stations and things are only expected to worsen as the EPA implements more stringent standards.

Local leaders and environmentalists said they soon will work to develop a regional plan to improve the air quality in San Antonio, which would be in violation of a new federal clean air standard announced Thursday if it was in effect now.



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The city already has exceeded the current standard for ground ozone of 75 parts per billion at the Camp Bullis air monitor, with the current three-year average of 78 ppb.

The Environmental Protection Agency said a new, more stringent standard of 70 ppb would be applied for ozone, taking effect in as little as two years. If applied today, readings at the Camp Bullis monitor, as well as a monitoring station on the city's near Northwest Side, would both be in

violation of the new standard.

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"I regret to say that our region is not in compliance with the new standard," said **Peter Bella**, a member of the **Alamo Area Council of Governments Air Improvement Resources Advisory Committee**.

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City and county leaders said they will begin working with other communities and businesses in the area to develop a plan to reduce ground-level ozone, a pollutant that poses a health threat to asthma sufferers and others with respiratory problems.

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Obama administration issues rules to curb ozone

By **Susan Carroll** | October 1, 2015 | Updated: October 1, 2015 7:13pm

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The Obama administration on Thursday unveiled a controversial and long-delayed environmental regulation that will curtail emissions of lung-irritating ozone, putting smoggy cities such as Houston even further behind in efforts to comply with the federal limit.

Photo: Steve Gonzales, Staff

The new ozone regulation quickly drew criticism from public health advocates

The Obama administration's latest ozone regulation will be a seeking a stronger smog standard, and from some local business leaders who fear the tighter limit could deter investment in Houston's key petrochemical and manufacturing industries because of the need to curb emissions.



The U.S. Environmental Protection Agency said the new standard of 70 parts per billion of ozone in the air is supported by a growing body of scientific evidence linking the pollutant to harmful health effects, including asthma, heart disease and premature death.

The revised standard will "substantially increase public health protection," said EPA Administrator Gina McCarthy. "There is absolutely no question about that."

But environmentalists said the new standard fails to adequately protect those most vulnerable to ozone, such as children and the elderly. The announcement also generated doomsday predictions by some industry leaders, who called the stricter regulation a job-killer that could cost industry hundreds of billions of dollars annually.

"We know this regulation could have been worse, but it still feels like a punch in the gut," said Tom Riordan of the National Association of Manufacturers.

EPA estimates the cost to industry would be \$1.4 billion annually in 2025, when most counties are expected to comply. The agency said those costs are outweighed by health benefits of about \$2.9 billion to \$5.9 billion.

The regulation is particularly relevant in Houston, which repeatedly has failed to comply with the less-stringent ozone regulation established in 2008 under the George W. Bush administration.

Houston is a natural breeding ground for smog, which is created when sunlight cooks a mixture of chemicals emitted by tailpipes and smokestacks. The 10-county metropolitan area includes the largest petrochemical complex in the country, more than 400 chemical plants and a bustling port.

Despite booming industry and a burgeoning population, the city's air quality has drastically improved since the late 1990s, when it surpassed Los Angeles as the smog capital of the nation. Yet Houston still has never met a current federal ozone standard, and reported 80 parts per billion in 2014, state data shows.

EPA projects that without the new standard, Houston would achieve 75 parts per billion by 2025, ranking it below only California cities.

Harris County is one of 224 nationwide currently classified as "nonattainment" for ozone by the EPA, meaning they failed to meet the prior standard of 75 parts per billion.

Once EPA sets a new standard, each state with areas out of compliance must develop plans to clean the air, which can involve stricter industry permitting requirements. Nonattainment can cause a loss of federal highway money, though that rarely happens, according to federal officials and experts.

States with nonattainment areas will have until 2020 to 2037 to comply with the new standard, depending on their ozone level.

For Houston, the tighter standard "essentially puts the goal post twice as far away," said Daniel Cohan, a Rice University associate professor for civil and environmental engineering. "It makes a much more challenging task to bring the region into attainment."

Adrian Shelley, executive director of Air Alliance Houston, predicted the new standard "means Houston can expect to stay out of attainment of the standard for many years to come, possibly many decades.

"It means we are going to have to do more to shore up emissions from industry sources and from vehicles," Shelley said. "It should give us more incentive ... to do some common sense things."

Mark LaCour, a local board member for the American Petroleum Institute, said the stricter standard creates a risk that businesses considering investing in Houston will opt for other cities because of concerns of more emission controls.

Tighter regulations

Shelley and other environmentalists said the EPA's new standard should have been even more restrictive of ozone, citing a recommendation by EPA's advisory panel. Last year, the panel recommended the agency consider a standard of 60 parts per billion to 70 parts per billion, but warned that 70 - the limit ultimately selected - might not be protective enough of public health to satisfy the requirements under the Clean Air Act.

EPA officials last year issued a proposed regulation with a range of 65 to 70 parts per billion, sparking backlash by industry leaders and some members of Congress, who pressured the administration to leave the standard as it was.

The proposed rule touched off months of debate over the health effects of ozone, which has been extensively studied since the tightening of the ozone regulation in 2008.

EPA officials said they examined more than 1,000 new studies, including some that found ozone exposure can cause difficulty breathing and respiratory illnesses and has been linked to premature deaths from lung or heart diseases.

Rice University researchers have examined local health effects of ozone by analyzing city of Houston emergency ambulance service records and cross-referencing them with ozone measurements for an eight-year period. They found the risk of heart attack increases by as much as 4.6 percent during peak periods of pollution. In a separate study, they found the risk of asthma attacks increase by 10 percent between 50 and 70 parts per billion.

'What science says'

Texas Commission on Environmental Quality officials attempted to counter the EPA's push for a stricter standard by funding their own research, conducted by outside consultants. TCEQ officials said they ultimately concluded any health effects from ozone exposure under the prior regulation were mild and reversible, and the cost of implementation outweighed the benefits.

McCarthy, the EPA administrator, acknowledged in a media call the backlash from all sides over the new standard, saying "these are always difficult decisions."

"I did not base this on a popularity contest," she said. "This is about doing what the science says, and the law."

Strengthening the ozone regulation is part of the Obama Administration's efforts to enforce stricter pollution controls through the Clean Air Act. Earlier this week, the EPA finalized another regulation that tightens controls on oil and gas refineries, including requiring first-of-its-kind fence line monitoring for pollutants including benzene, which can cause serious health issues and increase the risk of developing cancer.

Industry groups, backed by some congressional Republicans, argue the EPA is overstretching its authority with the tightening of air pollution regulations, and have tried to push back against the Obama administration's efforts.

Some industry groups are weighing the possibility of suing to stop the new regulation.



Susan Carroll

Reporter, Houston
Chronicle

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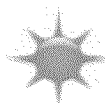


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EPA puts in place stricter rules on ozone

By Emily Walkenhorst

This article was published today at 5:55 a.m.

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The U.S. Environmental Protection Agency announced Thursday tighter standards on ground-level ozone, which is often referred to as smog.

Last year, the EPA announced that it would consider changing the standard of 75 parts of ozone per billion parts of air to somewhere between 60 and 70 parts per billion, based on the recommendations of the agency's scientists. The agency later said it was considering a standard between 65 and 70 parts per billion, but accepted public comments on the standard of 60 parts of ozone per billion.

In its 627-page final rule, the EPA wrote that it chose 70 parts of ozone per billion parts of air after considering public comments. The agency did not issue a news release on the rules Thursday or hold a news conference, but the agency posted the final rule on its website.

Nationally, environmental and health groups decried the new standards as too high, and business groups were upset with a new standard being issued at all. But Arkansas Department of Environmental Quality Director Becky Keogh said she believed the state will be in compliance without having to change the way it operates.

"That standard we believe is a standard that is achievable in Arkansas," she said.

The standard was last updated in 2008. The final rule issued Thursday targets ground-level ozone, which is considered a public-health issue. Ozone that occurs at a higher atmospheric level, commonly called the ozone layer, is considered protective of the earth's atmosphere.

Since a hot 2012, the Arkansas Department of Environmental Quality hasn't issued any "ozone-action" advisories, which are air-quality warnings most often targeted toward people with respiratory problems. Even after a hotter-than-average 2015 summer, ozone averages across the state continued to decline.

Ozone occurs naturally in the atmosphere but forms at ground level when car exhaust and industrial emissions react to high temperatures and sunlight.

Exposure to ground-level ozone can intensify allergies or respiratory problems for people who already have them.

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Under worse weather conditions, high levels of ozone can create respiratory problems for anyone who goes outside.

An interactive map posted on the EPA's website Thursday showed that based on 2012-14 ozone averages, Pulaski and Crittenden counties were among several dozen counties nationwide that would not be considered in compliance with the new standard. But a second map anticipates that by 2025, nearly all of those counties -- including Pulaski and Crittenden -- will reach compliance without having to take any additional action to reduce emissions.

Compliance with ozone standards is determined by taking the fourth-highest ozone level each year for three years of ozone data, then averaging those numbers.

Springdale and Little Rock had been in compliance with the old standard for a while, but Crittenden County was only recently able to join them after a hot 2012 and mild 2013 and 2014.

When factoring in 2015 ozone season data -- considered May 1 through Sept. 30 -- each ozone monitoring site in Arkansas came in under 70 parts per billion for its three-year average.

Chris Buonanno, science and operations officer for the National Weather Service in North Little Rock, said temperatures in June through September were above average when calculating average maximum temperatures.

August and September were above average when taking the low and high temperatures of each day and dividing them by two -- called the mean temperature, he said. June and July were slightly below.

That's a turn from the past two summers, which both had below-average temperatures and were credited with lower ozone levels during that time.

While ozone levels often spike during hot weather, ozone levels dipped from more than 70 parts per billion in Little Rock and the Memphis metropolitan area to below 70 parts per billion this year, based on ozone season data.

Keogh attributed the drop to reductions in emissions at plants and people continuing to buy cars with lower emissions. She said the trend Arkansas is seeing is reflected nationwide.

Areas that fail to achieve attainment are evaluated by the state to determine how to meet ozone goals. Solutions often involve controls on emissions sources and more intensive permitting, Keogh said.

Non-attainment status creates uncertainty when it comes to issuing permits, which is considered negative from an economic-development standpoint, Keogh said.

While the Arkansas Department of Environmental Quality asked earlier this year that the EPA keep the standard of 75 parts of ozone per billion parts of air because of uncertainty about the impact of new programs to reduce ozone, Keogh said Thursday that the standard should work out for the state.

"We believe that we can meet those standards and feel like those standards are something to balance public health and economic development," Keogh said.

Keogh said she wouldn't speak for the EPA as to the potential differences in public-health benefits between 70 parts per billion and 65 parts per billion.

She added that a standard of 65 would have placed nearly every area in Arkansas on the non-attainment list.

In the final rule, the EPA said the decision on 70 parts per billion was reached based on four key factors:

- A level of 70 parts per billion is below the "exposure concentrations known to cause the widest range of respiratory effects," which is 80 parts per billion, and "below the lowest exposure concentration shown to cause the adverse combination of decreased lung function and increased respiratory symptoms," which is 72 parts per billion.
- A level of 70 parts per billion will nearly eliminate repeat occurrences of the harmful concentrations
- The new standard will protect a large majority of the population, including children and people with asthma.
- The new level will reduce hospital admissions, emergency rooms visits and premature deaths related to ground-level ozone exposure.

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The agency also did an analysis of the rule's effect on employment in the United States, which is not typical in cost-benefit analyses, the agency said.

The agency noted that studies on the effects of environmental regulations show small impact on employment, positive or negative.

The agency wrote that estimations in the case of the new ozone rule were difficult to determine, but it concluded that small increases in employment were possible from the rule in installations of emissions-controlling technology.

In statements released on their websites Thursday, the American Lung Association, the Sierra Club and the U.S. Chamber of Commerce all announced disappointment with the rule.

"Nonetheless, the standard announced today offers significantly greater protection than the previous, outdated standard of 75 ppb," the American Lung Association statement reads. "The American Lung Association urges Members of Congress to defend the Clean Air Act against any attacks that would block, weaken or delay life-saving protections from ozone pollution."

The Sierra Club argued that the new rule is not strict enough, citing the recommendations of scientists and health experts that were rejected during George W. Bush's administration, which set the standard of 75 parts per billion in 2008.

"I'm very disappointed that the EPA and President [Barack] Obama enacted such a weak smog standard, considering how damaging it is to our environment and public health," the environmental group's Beyond Coal initiative spokesman Karen Monahan said in a statement.

The U.S. Chamber of Commerce, which represents business interests, said in a statement that the new rule ignores continually decreasing ozone levels.

"By requiring a 70 parts per billion (ppb) level, the agency is ignoring calls from the business community and American workers who urged the agency to keep the standard at the current 75 ppb," the statement reads.

Areas won't be designated as in attainment or not in attainment until 2017, when the EPA will consider data from 2014 through 2016.

Metro on 10/02/2015

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Longview News-Journal

EPA sets new ozone standards



By Glenn Evans
Oct. 1, 2015 at 10:50 p.m.

Federal transportation funds could be at stake for area counties if they can't comply with a new, tighter standard for ozone that was set Thursday by the U.S. Environmental Protection Agency.

Gregg County Judge Bill Stoudt, who co-leads the five-county task force North East Air Care, said the new standard can be met. But it won't be easy or cheap, he said.

"It's just going to be difficult," Stoudt said of remaining in compliance with the EPA's new standard. "But, if that's the rule, that's the rule."

EPA Administrator Gina McCarthy on Thursday signed a rule tightening the standard that determines whether counties comply with the Clean Air Act. The action concludes a multiyear process that began with the agency announcing it would ratchet down the acceptable standard from 75 parts ozone per billion particles of air to somewhere between 60 parts per billion and 70 ppb.

The new standard, announced Thursday, is 70 ppb.

"At 75, we are in compliance," Stoudt said, referring to Gregg, Harrison, Upshur, Rusk and Smith counties, which formed North East Texas Air Care in 1996. The NETAC alliance of government and polluting industries lowered ozone emissions locally and staved off a designation of non-attainment with Clean Air Act standards.

"Going to 70 is going to be another hurdle," Stoudt added.

Three ozone monitors for the five-county alliance, in Karnack and at the airports outside Longview and Tyler, have met or exceeded the 70 ppb standard 22 times this year.

The Clean Air Act places an area into non-attainment when a three-year average of the fourth-highest readings tops the standard, which now tightens to that 70 ppb mark.

McCarthy, in a Thursday conference call with reporters, said she settled on 70 ppb, in part, because studies conducted since the standard was changed in 2008 indicate that 72 ppb is the lowest ozone exposure that causes adverse health effects in active adults who exercise regularly.

Children, pregnant women, the elderly and other vulnerable groups will be protected by the tougher standard most of the time, she said. EPA models predict 90 percent of American children will live in areas averaging 60 ppb under the new rule.

McCarthy said that the new rule likely would use ozone readings taken last year, this year and 2016.

"And we'll actually be designating (areas in or out of attainment) in 2017," she said.

Stoudt said he suspects lawsuits fighting the new rule will delay its implementation further.

"I see this being challenged in court," he said. "In Texas, there's going to be a bunch more (counties) in noncompliance if they lower it to 70 and that sticks."

Regions in non-attainment risk the loss of federal transportation spending and other sanctions.

Residents probably feel the designation the sharpest at annual vehicle inspections that add strict emissions checks that can prove costly.

Counties in the Dallas/Fort Worth, Houston and El Paso regions are in non-attainment now, under the 75 ppb standard.

The five-county North East Texas Air Care region has flirted with non-attainment since before NETAC formed, and after 2008 when the EPA last tightened the standard.

Area polluting industries, including AEP Southwestern Electric Power Co., Luminant and Eastman Chemical Co., Texas Operations, worked with the air care group to bring down emissions and keep the non-attainment designation at bay.

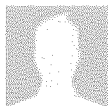
"We've had pretty good measurements here the last few years," Stoudt said. "We're going to keep doing what we've been doing and brainstorming with industry to do what we can to keep in compliance."

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Oklahoma likely will meet ozone regulations

Oklahoma is expected to be able to meet tighter limits for ground-level ozone, or smog, unveiled Thursday by the Environmental Protection Agency.

by [Paul Monies](#) Modified: October 1, 2015 at 10:30 pm • Published: October 1, 2015

Oklahoma is expected to be able to meet tighter limits for ground-level ozone, or smog, unveiled Thursday by the Environmental Protection Agency.

Officials were still studying the new standards, but the Oklahoma Department of Environmental Quality said the state likely would fall under a three-year period that includes monitoring data from 2014 to 2016.

Based on monitoring data from 2013, 2014 and 2015 to date, all Oklahoma counties would meet the new standard of 70 parts per billion, said spokeswoman Skylar McElhaney.

The department has 15 monitoring sites for ozone, with most in the Oklahoma City and Tulsa areas. Some tribes operate additional ozone monitoring stations.

Sen. Jim Inhofe, R-Tulsa, called the new standards "yet another example of the Obama administration's enthusiasm for needless regulation."

"It will put 2,000 counties across the nation at risk of being in non-attainment, which will stall economic development and tie up much-needed federal highway dollars to improve crumbling bridges and unsafe roads," Inhofe said in a statement.

The EPA's announcement drew criticism from environmental groups and industry alike, although for opposite reasons.

Bud Ground, environmental and regulatory affairs consultant with the Oklahoma Oil and Gas Association, said the association preferred the existing limits of 75 parts per billion, set in 2008. Because of legal challenges and court-ordered stays, those limits haven't yet been fully implemented, he said.

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Next Page » (</oklahoma-likely-will-meet-ozone-regulations/article/5450718/?page=2>)

EPA releases program for the Illinois River Basin

By D.E. Smoot Phoenix Staff Writer | Posted: Friday, October 2, 2015 2:45 am

Federal environmental regulators released on Thursday their long-awaited modeling program for the Illinois River Basin that eventually will be used to set limits for pollutants entering the watershed and Tenkiller Lake.

The model, which has been in the works since 2009, was formed as part of a multi-jurisdictional collaboration that involved local stakeholders, the states of Arkansas and Oklahoma and tribal entities. The model, which "relies on two highly specialized computer models, will be used to set total maximum daily loads for various pollutants for the purpose of achieving established water quality standards.

The U.S. Environmental Protection Agency's model is geared toward meeting water quality standards set for Oklahoma's scenic streams and rivers, which caps phosphorus at 0.037 mg/L. The numerical standard was adopted in 2003 and determined to be valid in 2012 after a technical advisory group spent a year reviewing new scientific and technical evidence supporting its legitimacy.

A minority report backed by two Arkansas agencies disputed the validity of the state's phosphorus standard, setting the stage for a lawsuit that was avoided by a second agreement inked in February 2013. That agreement authorized a stressor-response study, expected to be completed by December 2016, to determine once again the legitimacy of Oklahoma's phosphorus standard for scenic rivers and streams.

The 0.037 mg/l standard was set to address the degradation of water quality within the Illinois River watershed caused by the introduction of phosphorus from both point- and nonpoint-source polluters. Stream overloading of nutrients such as phosphorus and nitrogen promote vegetative growth, which depletes dissolved oxygen levels and reduces water quality.

Derek Smithee, water quality chief for the Oklahoma Water Resources Board and chairman of the Oklahoma contingency overseeing the two-state stressor-response study, described the release of the EPA model as a milestone. He said it could take some time to examine and analyze the model, which is laid out in several hundred pages of documents and exhibits, but he and his colleagues "are going to be tearing into it line by line to see what it says."

"When you boil it all down to the bare bones, it basically is looking at how much nonpoint-source loading there is, how much point-source loading there is, the background loading that naturally exists in the environment, what the criteria — the endpoint — is for the river and the lake," Smithee said. "This model will show us, for lack of a better term, which knobs to turn on point-source and nonpoint-

source (pollutants) to achieve that criteria."

Smithee said the model can be used to achieve the present water-quality standards or whatever standard is deemed appropriate by the stressor-response study. That study is being conducted by a team of researchers from Baylor University that has been collecting samples for about a year from multiple points within the Illinois River watershed.

Data released a week ago show phosphorus levels have trended downward significantly at three of four permanent monitoring sites within the Illinois River Basin. The data, however, show phosphorus levels in the Illinois River still exceed the 0.037 mg/l standard throughout most of the watershed.

Ed Brocksmith, a co-founder of a citizen-based coalition dedicated to protecting the Illinois River and Tenkiller Lake, said, "it will be interesting to see how the two states and other parties view" what he described as "a very complicated document."

"Save the Illinois River will ask our experts to review the report to see if it is protective of the Illinois River watershed," Brocksmith said. "The purpose of a TMDL is to establish what you might say is 'a pollution diet' for the watershed (and) hopefully will tell us what must occur — and by whom — to lower phosphorous, other nutrients, sediment, and bacteria levels."

Water quality within the Illinois River watershed has been at the center of a dispute between Arkansas and Oklahoma that dates back to the 1980s. Former Oklahoma Attorney General Drew Edmondson filed a federal lawsuit in 2005 against several Arkansas poultry companies alleged to have contributed through business practices to the phosphorus overloading of the scenic streams.

The case went to trial in 2009. U.S. District Judge Gregory Frizzell, who presided over the trial in the U.S. District Court of Northern Oklahoma in Tulsa, has yet to render an opinion.

Reach D.E. Smoot at (918) 684-2901 or dsmoot@muskogee phoenix.com.

Guardian, EPA reach settlement on alleged Clean Air Act violations

From Staff Reports | Posted: Thursday, October 1, 2015 5:00 pm

DALLAS —The Department of Justice and the Environmental Protection Agency (EPA) have announced a settlement with Guardian Industries Corp. that will resolve alleged violations of the Clean Air Act at Guardian's flat glass manufacturing facilities throughout the U.S. One of those facilities is located in Corsicana, Texas, noted U.S. Attorney John Parker of the Northern District of Texas.

Under the proposed settlement, Guardian will invest more than \$70 million to control emissions of nitrogen oxide (NOX), sulfur dioxide (SO₂), particulate matter (PM) and sulfuric acid mist (H₂SO₄) from all of its flat glass manufacturing facilities. Guardian will also fund an environmental mitigation project valued at \$150,000 to reduce particulate matter pollution in the San Joaquin Valley in California and pay a civil penalty of \$312,000.

Guardian has operated its flat glass manufacturing facility in Corsicana since 1980. The EPA alleged that major facility modifications undertaken by the company beginning in 1993 led to a production increase at the Corsicana facility, and consequently, significant net emissions increases of air pollutants that occurred without Guardian obtaining the required Clean Air Act permits and without complying with the Act's requirements regarding the installation of pollution control technology, emission limits, monitoring, record-keeping, and reporting.

"We commend Guardian Industries for its commitment to reduce emissions of harmful air pollutants from its Corsicana facility and others it operates in the United States," said U.S. Attorney Parker. "By requiring phased-in pollution control and emissions monitoring equipment at Guardian's Corsicana facility, this agreement appropriately balances the promotion of manufacturing and the protection of



Guardian Industries

Daily Sun photo/Bob Belcher - Guardian Industries and the EPA have reached a settlement over alleged violations of the Clean Air Act at Guardian plants, including the Corsicana flat-glass operation.

clean air for all Texas residents.”

“This settlement is a great example of a cooperative, company-wide effort to reduce air pollution and will mean cleaner air for communities across the country, where glass manufacturing is currently a significant source of the air pollutants that cause serious lung and heart problems,” said Attorney General John C. Cruden for the Justice Department’s Environment and Natural Resources Division. “We are also particularly grateful to the states of Iowa and New York, as well as the San Joaquin Valley Air Pollution Control District, all of whom were active partners in achieving this important outcome for the American people.”

"Guardian is pleased to have reached a mutually beneficial agreement with the EPA," said Guardian Glass President and CEO Kevin Baird. "Guardian was proactive by initiating discussions with the EPA, and this Consent Decree ensures compliance at our float glass manufacturing facilities through best available control technologies, while providing reasonable operational flexibility.

"This agreement is aligned with Guardian's vision to create value for our customers and the communities in which we operate," Baird's statement continued. "That vision includes the commitment to maintaining safe, environmentally sound operations. We are pleased to be the first float glass company to sign such an agreement with the EPA under this initiative and we have already begun the process of upgrading our facilities in the United States."

“Air pollution from flat glass facilities can impact communities hundreds of miles away, which is why today’s announcement is so crucial to address pollution at the source and protect public health,” said Assistant Administrator Cynthia Giles for EPA’s Office of Enforcement and Compliance Assurance. “By investing in pollution control equipment and funding a mitigation project that will protect the health of low-income residents, Guardian is setting an example for the flat glass industry for how to control harmful air emissions at its facilities.”

The settlement resolves allegations that Guardian violated the Clean Air Act and state air pollution control plans when it made major modifications to its flat glass furnaces that significantly increased harmful air emissions. This settlement is part of EPA’s ongoing National Enforcement Initiative addressing Clean Air Act New Source Review and Prevention of Significant Deterioration program violations and is the agency’s first settlement involving the flat glass manufacturing sector. Flat glass, also known as float glass, is used as windows for office buildings and homes as well as for automobile windshields.

The \$150,000 mitigation project with the San Joaquin Air Pollution Control District will provide incentives to low-income residents living in the San Joaquin Valley to replace or retrofit inefficient, higher-polluting wood-burning appliances with cleaner-burning, more energy-efficient appliances. The San Joaquin Valley is an area with poor air quality.

EPA expects that the pollution controls required by the settlement will reduce harmful emissions by

7,300 tons per year, including approximately 6,400 tons per year of NO_x, 550 tons per year of SO₂, 200 tons per year of PM and 140 tons of H₂SO₄. The mitigation project in California will yield additional reductions of PM. These emissions reductions will result in significant human health and environmental benefits for communities. In addition to the Corsicana plant, Guardian's flat glass manufacturing facilities are also located in Kingsburg, California, DeWitt, Iowa, Carleton, Michigan, Geneva, New York, Floreffe, Pennsylvania, and Richburg, South Carolina.

SO₂ and NO_x have numerous adverse effects on human health and are significant contributors to acid rain, smog and haze. Once airborne, these pollutants can also convert into particulate matter. PM, especially the fine particles, can travel deep into a person's lungs causing severe respiratory impacts, such as coughing, decreased lung function, and chronic bronchitis. Fine PM is also associated with cardiovascular impacts and even premature death. H₂SO₄ irritates the skin, eyes, nose and throat and lungs, and exposure to high concentrations can lead to more severe health impacts.

The states of Iowa and New York actively participated in the settlement and will each receive \$78,000 of the total penalty. The United States will receive \$156,000. The San Joaquin Valley Air Pollution Control District also actively participated in the settlement.

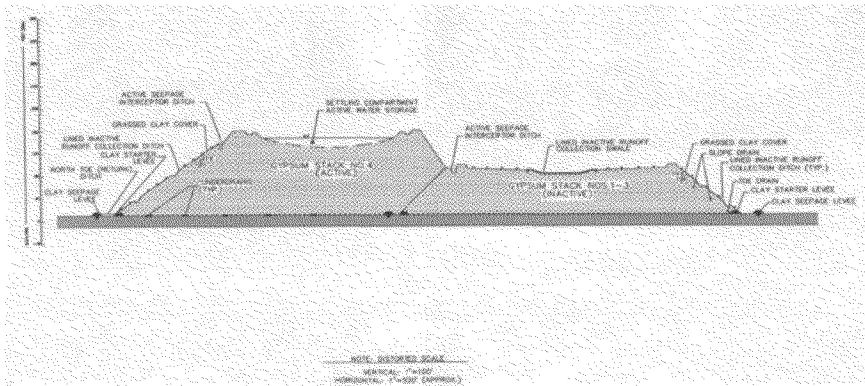
The proposed consent decree was lodged Tuesday in U.S. District Court for the Eastern District of Michigan and is subject to a 30-day public comment period and final court approval.

For more information on the settlement and to read the proposed settlement, visit <http://www2.epa.gov/enforcement/guardian-industries-corp-clean-air-act-settlement>.

For more information on the settlement or to read a copy of the consent decree, visit <http://www.justice.gov/enrd/consent-decrees>.

1
omments

Mosaic Fertilizer pledges \$2 billion to settle hazardous waste complaints



Schematic of gypsum stacks at Mosaic Fertilizer's Uncle Sam facility in St. James Parish, from a 2014 permit application filed with the state Department of Environmental Quality. (Mosaic)



By [Mark Schleifstein, NOLA.com | The Times-Picayune](#)
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on October 01, 2015 at 7:10 PM, updated October 01, 2015 at 8:14 PM

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Mosaic Fertilizer, LLC, one of the world's largest manufacturers of phosphate and potash **fertilizers**, has entered into a \$2 billion settlement with the **Environmental Protection Agency, Louisiana Department of Environmental Quality** and Florida Department of Environmental Protection to end a 10-year battle over the disposal of hazardous wastes in huge stacks of gypsum wastes along the Mississippi River in Louisiana and in several locations in Florida.

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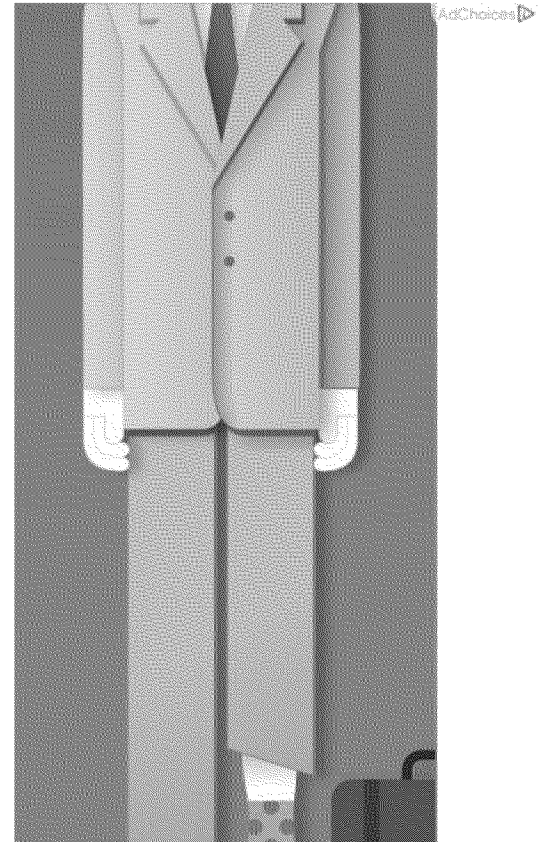
According to the Justice Department and EPA, the settlement "will ensure the proper treatment, storage and disposal of an estimated 60 billion pounds of hazardous waste at six Mosaic facilities in Florida and two in Louisiana."

The two Louisiana facilities are the company's operating manufacturing plant at Uncle Sam and its closed Faustina plant at St. James, both in St. James Parish.

The Uncle Sam facility, on a 3,300-acre site, was originally owned by Freeport Chemical Co., and then by IMC global between 1993 and 1994, and was bought by Mosaic on Oct. 22, 2004.

The Faustina plant, on a 2,850-acre site, was owned by Gulf Oil Corp. between 1967 and 1972, the Williams Co. between 1972 and 1986, Freeport-McMoran Corp. from 1986 to 1983, IMC Global from 1993 to 2004, and was also bought by Mosaic on Oct. 22, 2004.

In agreeing to the settlement, Mosaic did not admit fault. The company has contended that all of the wastes placed in the stacks were exempt under a law allowing mining wastes not to be treated as hazardous. That facility stopped producing sulphuric acid and phosphoric acid in 1999 and the production units involving those materials were permanently idled in 2005.



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However, civil complaints filed in federal courts in Louisiana and Florida on Wednesday outline a variety of practices dating back to 2003 that EPA contends shows the company was improperly classifying acid wastes and other contaminants that are considered hazardous under federal law, and disposing them in the gypsum piles, or otherwise violated federal laws governing hazardous wastes.

"EPA issued notices of violations at some, if not all, of the facilities and had our responses, and then we entered into settlement negotiations that lasted for eight or nine years," said Debra Waters, director of environmental regulatory affairs for Mosaic in an interview Thursday. She said the settlement between EPA and Mosaic was part of an industrywide crackdown by EPA on fertilizer manufacturers.

Phosphate rock is mined in Florida and then brought to manufacturing facilities in Florida and Louisiana to be turned into phosphoric acid, and then into phosphate and potash fertilizers.

The manufacturing process leaves gypsum as a byproduct, and the material is often placed in ponds to dewater and then moved to stacks, some of which could be as much as 500 feet high.

In 2003, 2004 and 2005, EPA inspectors determined that sulphuric acid solutions used in the manufacturing process and other materials that it considered to be hazardous wastes were being added to the stacks, in what the agency said was a violation of federal law.

"At Mosaic's eight facilities in Florida and Louisiana, hazardous waste from fertilizer production is stored in large piles, tanks, ditches and ponds; the piles can reach 500 feet high and cover more than 600 acres, making them some of the largest manmade waste piles in the United States," said a Justice Department news release announcing the settlement. "The piles can also contain several billion gallons of highly acidic wastewater, which can threaten human health and cause severe environmental damage if it reaches groundwater or local waterways."

Under the terms of the settlement, Mosaic will create a \$630 million trust fund that will be invested until it grows to \$1.8 billion, with the money to be used to cover the future closure of Mosaic's Uncle Sam plant in Louisiana and its Bartow, New Wales and Riverview plants in Florida. Part of the money also will pay for treatment of hazardous wastewater at and long-term care of those facilities and two other facilities that are already being closed.

Mosaic also will spend \$170 million on a variety of projects aimed at reducing the environmental impact of its manufacturing and waste management programs at its manufacturing plants.

The company also will give the Louisiana Department of Environmental Quality \$1 million to fund studies on statewide water quality issues, and will spend \$1.2 million to clean up an orphaned phosphate site in Mulberry, Fla.

The company also pay a \$5 million civil penalty to the federal government, \$1.55 million fine to the state of Louisiana and \$1.45 million fine to the state of Florida, all of which were plaintiffs in the case.

A [consent agreement](#) and complaints outlining the Louisiana and Florida provisions were filed late Wednesday in federal courts in New Orleans and Fort Myers, Fla., and are subject to a 45-day public comment period and approval by the federal courts.



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Oklahoma Gov. Mary Fallin discusses earthquakes and fracking at water and energy event

Touching on hot-button issues such as triggered earthquakes and hydraulic fracturing, Oklahoma Gov. Mary Fallin said Wednesday states are best positioned to come up with solutions involving energy development and water usage.

by Paul Monies Published: October 1, 2015

Touching on hot-button issues such as triggered earthquakes and hydraulic fracturing, Oklahoma Gov. Mary Fallin said Wednesday states are best positioned to come up with solutions involving energy development and water usage.



Gov. Mary Fallin

Fallin, the incoming chairwoman of the Interstate Oil and Gas Compact Commission, said many good policy ideas start at the local level. She was the lunchtime keynote speaker at a joint meeting of the commission, the Ground Water Protection Council and the National Rural Water Association.

Fallin said energy and water interests worked together a few years ago when concerns were raised over the chemical contents of hydraulic fracturing fluid. The fluid is mostly water but can contain small or trace amounts of chemicals. The result was FracFocus.org, an online registry that is used in some form by 24 states.

"That was a solution that came from the states and spread throughout the country to make that information public," Fallin said.

The Bureau of Land Management has a pending rule that would require FracFocus to be used for hydraulically fractured oil and gas wells on federal lands, although a judge blocked implementation of that rule Wednesday.

The Interstate Oil and Gas Compact Commission and the Ground Water Protection Council, which jointly run FracFocus, are expected to unveil an update later this year. It will include options to download the entire database rather than searching for hydraulic fracturing fluid composition by specific well or operator.

Fallin also mentioned Oklahoma's increase in earthquakes, which has been linked to wastewater disposal wells used in energy production. While some have criticized Oklahoma regulators for their slow response, Fallin said officials wanted to take action based on sound science.

"It has been a concern for industry, a concern for consumers and families and businesses," Fallin said. "We know as we gathered information and statistics that science can be ever-evolving, but we want to get fact-based information as we make policy. We also can't ignore the issue and (have to) look at anything that might be contributing to that rise in earthquakes."

Council formed

The governor last year established the Coordinating Council on Seismic Activity to bring together regulators, industry, researchers and other parties to look at the issues of induced seismicity in Oklahoma.

"We want to do it wisely without harming the economic activity we certainly enjoy and the revenue, quite frankly, we certainly enjoy," Fallin said. "The council has worked very hard to ensure the energy sector, state agencies, environmentalists and academia are all talking and sharing that data and we have a scientific-based approach to reducing seismicity in our state."

Fallin praised the Oklahoma Corporation Commission for its "traffic light" system for permitting wastewater disposal wells in areas of increased seismicity. Among other actions, the commission has directed companies to reduce volumes, cut disposal well depths or shut in some wells.

Like other state agencies, the commission had its budget cut in the last round of appropriations. To make up part of the shortfall, Fallin directed the state's energy and environment secretary to send \$250,000 in grants to the commission for work on induced seismicity issues.

With oil prices remaining low, another tough budget year is expected in the next legislative session.

Fallin spokesman Alex Weintz said funding for more research into induced seismicity will be "one of many priorities during what is going

to be a challenging budget year.”

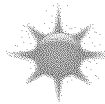


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Sierra Club presses to hasten haze plan

EPA's timeline too long, filing says

By Arkansas Democrat-Gazette
This article was published today at 2:10 a.m.

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The Sierra Club reasserted its request that a federal judge set an April date for the U.S. Environmental Protection Agency to submit a final plan for Arkansas to implement regional haze rules.

In its Tuesday filing, the Sierra Club argued that the EPA does not need until the end of August to issue a final federal haze plan because the agency has taken less than five months to do so in 14 of the 17 states for which it has issued a federal haze plan.

The Sierra Club also said the EPA is working on a combined plan between Oklahoma and Texas to reduce emissions at 50 percent more units than are targeted in Arkansas and is asking for less time for that plan than for the Arkansas plan.

The Regional Haze Rule is a part of the Clean Air Act that was passed by Congress in 1999. It is intended to reduce sulfur dioxide and nitrogen oxide emissions that contribute to impaired visibility at 156 national parks and certain wilderness areas. Because of emissions produced by power plants in Arkansas, the state must address two sites in Arkansas and two in Missouri.

By law, the rule targets only visibility, but proponents of the rule argue that reducing sulfur dioxide emissions will also reduce the number of respiratory illnesses and deaths in Arkansas and across the country.

Meanwhile, the EPA, which is working with the Arkansas Department of Environmental Quality on a new plan, proposed in a court filing last week a date of Aug. 31, 2016, for issuing a new plan. Previously, the EPA had partially rejected the state's plan for complying in 2012, and neither agency issued a new plan, prompting the Sierra Club lawsuit.

Metro on 10/02/2015

Print Headline: Sierra Club presses to hasten haze plan

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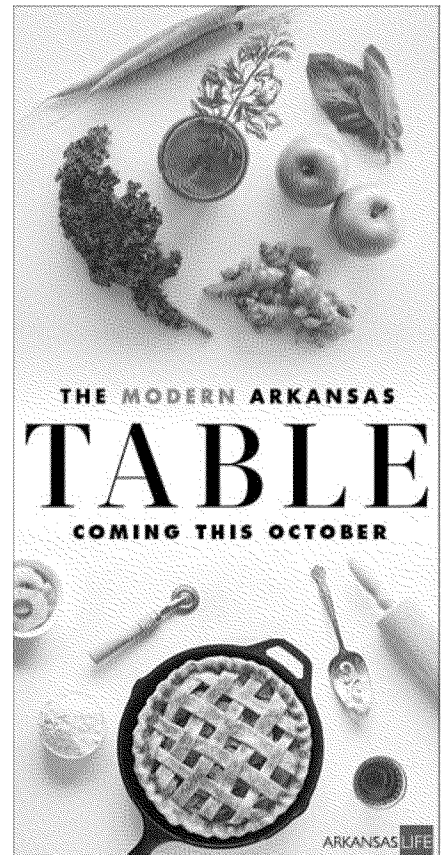
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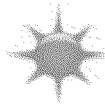


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Exxon is fined \$2.6M for spill

Pipeline agency cites safety lapses

By Debra Hale-Shelton

This article was published today at 5:55 a.m.

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A federal regulatory agency fined Exxon Mobil \$2.6 million on Thursday over a series of safety violations that preceded an oil spill in Mayflower more than two years ago.

The fine levied against the oil giant's subsidiary, Exxon Mobil Pipeline Co., totals \$2,630,400, which is \$28,800 less than the regulatory Pipeline and Hazardous Materials Safety Administration, or PHMSA, had proposed in November 2013.

In a one-sentence emailed statement, corporate spokesman Christian Flathman said, "ExxonMobil Pipeline Company has received and is evaluating its options with respect to PHMSA's final order for the 2013 Mayflower incident."

The company has 20 days to pay the fine unless it petitions the agency's associate administrator during that time to reconsider the 46-page order.

The government found that the company had committed nine violations dealing with integrity management, or safety, practices.

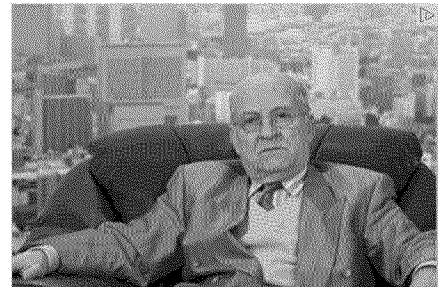
Among other things, the safety administration ordered the company to modify its integrity management program to ensure that risks are adequately identified, especially those common to pre-1970 pipe made with electric resistance welding.

The industry has known for decades that such pipe -- which no longer is made -- is prone to the kind of seam cracks that ruptured in the Mayflower segment of the Pegasus pipeline.

Exxon Mobil must submit to the safety administration within 30 days a spreadsheet identifying all such pre-1970 pipe covered by the company's integrity management program and subject to a federal regulation for pipelines carrying hazardous liquids.

A section of the roughly 650-mile northern section of the Pegasus, built in 1947-48, cracked open between two houses in Mayflower's Northwoods subdivision on March 29, 2013, sending an estimated 134,000 gallons of heavy crude into the neighborhood, drainage ditches and a cove of Lake Conway.

Twenty-two homes were evacuated for months, and Exxon Mobil demolished three of them



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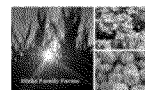
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because of oil beneath their foundations. Some residents never moved back.

The line, extending from Patoka, Ill., to Corsicana, Texas, has been shut down since shortly after the spill, with only a 211-mile southern section, all in Texas, resuming service.

Thursday's order found that Exxon Mobil did not:

- "Properly consider the susceptibility of its ERW [electric resistance welded] pipe to seam failure" when establishing an integrity-management schedule based on the line's risk factors.
- Document its decision to merge four testable segments of the pipeline into two, thereby "diluting risk scores of higher threat segments, such as the Lake Maumelle Watershed and Mayflower populated areas."
- Perform a reassessment, or inspection, of the line's "seam integrity on the Patoka to Corsicana segment ... within a period of five years, not to exceed 68 months."
- Follow safety procedures, including those requiring notification of the Office of Pipeline Safety when scheduled seam inspections were delayed.
- Prioritize seam inspections of higher-risk segments of the pipeline over less risky sections.
- "Take prompt action to address [abnormal] conditions by temporarily reducing operating pressure or shutting down the pipeline until immediate repairs were completed."
- Obtain sufficient information about pipeline conditions within 180 days after an inspection or test.
- Follow its own plan related to periodic evaluation when it extended the timing of an inspection without evaluating the effect that delay could have on the company's ability to assess the line's risks.
- Comply with its own program by incorrectly indicating that a specific test had been performed and failing to correct that information when the test was delayed.

About 13.5 miles of the pipeline lie in the Lake Maumelle watershed, which provides drinking water for more than 400,000 central Arkansans. Central Arkansas Water has repeatedly urged Exxon Mobil to move the pipeline if ever it's restarted.

Utility spokesman John Tynan said Thursday that the federal order "confirms our statement that Exxon should have known about the susceptibility of seam failure and should have taken action prior to this rupture."

"And, frankly, that gives us concern with respect to how Exxon designs and implements its integrity management plan and [reduces] the ability to have faith" that the company will operate the pipeline safely should it restart, Tynan said.

According to the order, Exxon Mobil argued that it had complied with all applicable pipeline safety regulations and said a pipeline accident alone was not a basis for a civil penalty.

The pipeline safety agency on Thursday also announced a proposed rule to require that all hazardous-liquid pipelines have a system for detecting leaks and that they establish a timeline for inspections of affected pipelines after an extreme weather event or natural disaster. Among other changes, the proposed rule also would establish stricter repair guidelines for high-risk pipelines.

Under federal procedures, it will be more than a year before the proposed rule can take effect, even if it's approved.

State Desk on 10/02/2015

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Feds: Proposed pipeline rules could have prevented accidents

Published on NewsOK Modified: October 2, 2015 at 2:25 am • Published: October 2, 2015

BILLINGS, Mont. (AP) — New federal rules proposed for pipelines that carry oil and other hazardous liquids could have prevented more than 200 accidents since 2010, including a Michigan rupture that ranks as the costliest onshore spill in U.S. history, federal officials said.



FILE - In this July 29, 2010 file photo, a worker monitors the water in Talmadge Creek in Marshall Township, Mich., near the Kalamazoo River as oil from a ruptured pipeline, owned by Enbridge Inc, is vacuumed out the water. The U.S. Department of Transportation wants to expand rules for pipelines carrying oil, gasoline and other hazardous liquids inspections requirements to include rural areas that are currently exempt, and for companies to more closely analyze the results of their inspections. (AP Photo/Paul Sancya, File)

The U.S. Transportation Department proposal announced Thursday covers more than 200,000 miles of hazardous liquids pipelines that crisscross the nation — a network that expanded rapidly over the past decade as domestic oil production increased.

Included in the proposal are new inspection requirements for pipelines in rural areas; increased use of leak detection systems; and a requirement for companies to more closely analyze inspection results.

Left out were requirements for the industry to install more automatic or remote-controlled valves that can quickly shut down a line when spills occur.

Officials plan to address the valve issue separately, said Marie Therese Dominguez, chief of the Transportation Department's Pipeline and Hazardous Materials Safety Administration.

The delay was criticized by Rep. Lois Capps, D-Calif., whose district includes the Santa Barbara County coastline where a May rupture of a corroded pipe spilled 101,000 gallons of crude oil, some of which flowed into the ocean, formed a large slick and stained beaches.

"Federally regulated oil and gas pipelines currently are not required to use the best automatic shut-off technologies available and that needs to change," Capps said in a

statement.

A 2011 pipeline law passed by Congress included requirements for remote-controlled and automatic emergency valves that can quickly shut down the flow of oil. Advocates say such valves are a simple way to limit damage from accidents.

However, the American Petroleum Institute has said retrofitting lines with remote-controlled valves could cost up to \$1.5 million per device.

The federal agency also would make companies re-check lines following floods and hurricanes, and submit information about leaks and other problems on thousands of miles of smaller lines that fall outside of existing regulations.

The rules have been in the works since 2010, when 840,000 gallons of crude oil spilled into the Kalamazoo River in Michigan and other waterways from a ruptured line operated by Enbridge Inc. of Calgary, Canada.

Other pipeline ruptures have fouled waterways in Montana, California and elsewhere with crude oil and other petroleum products.

If the proposed changes had been in place, they could have prevented the Michigan spill and 238 other accidents between 2010 and 2014, transportation officials said. The other accidents released a total of more than 10 million gallons of oil, gasoline and related products and resulted in \$118 million in costs and damages.

Investigators with the National Transportation Safety Board cited corrosion and a crack in the line as the probable cause in the Michigan spill, and blamed the accident in large part on ineffective oversight and weak regulation from the pipeline safety administration.

The leak went undetected for 17 hours, and cleanup costs for the spill exceeded \$1 billion, making it the costliest onshore oil spill ever in the U.S., NTSB Chairman Christopher Hart said this week in testimony before Congress.

The proposed rules also expand requirements for leak detection systems to include new, regulated pipelines. Current rules cover only lines in areas with a large population or environmentally sensitive features such as drinking water supplies.

John Stoodly, vice president of the Association of Oil Pipe Lines, an industry group, said much of the proposal involves work that companies already do voluntarily, such as periodic inspections of lines in rural areas.

Yet by imposing requirements for those lines, federal officials risk diverting attention from high-consequence areas with large populations or environmental features, Stoodly said.

The federal proposal was characterized as an incremental step forward by the head of the Pipeline Safety Trust, a Bellingham, Washington-based advocacy group.

Washington-based advocacy group.

"We're disappointed that it took five years and we don't think it's as significant as (federal officials) tried to portray it," trust executive director Carl Weimer said.

Dominguez hopes to finalize the rules sometime next year.

The changes could cost pipeline companies a combined \$22.5 million annually, according to her agency.

Local water quality under watchful eyes

Cheryl Franklin cfranklin@gatehousemedia.com | Posted: Thursday, October 1, 2015 1:19 pm

MIAMI - Northeast Oklahoma residents can't go far without having to cross a river, stream or lake. The quality of those waters, most of which run into Grand Lake and the state of the lake are under the watchful eyes of more people than you may know.

This week, at the 17th National Environmental Tar Creek Conference, a number of environmentalists representing Native American tribes and from the Grand River Dam Authority shared information about their efforts to monitor the water quality of those rivers and streams.

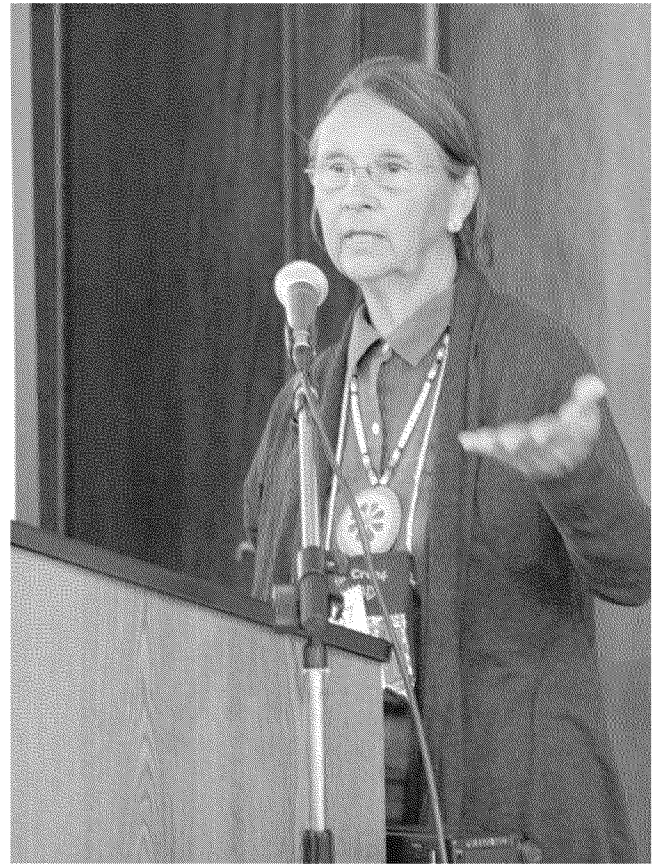
Most or all of the tribal lands are downstream of the Tar Creek EPA superfund site that contaminated local waters with heavy metals as a result of the Picher mining area. Some of the tribes have been recipients of EPA grants that have been used for monitoring purposes and some have used other grants such as EPA's Section 106 of the Clean Water Act to test for issues other than metal levels.

Janice Wilson, water technician for the Wyandotte Tribe said their one of their testing areas includes Lost Creek in eastern part of the county and the Spring River.

"We've noticed in the last three years that we've had more nutrient load on these streams and the Spring River in the last two years has gotten a lot worse. It used to be that the Neosho River was the most turbid but it has gotten to be that some times of the year it's more turbid than the Neosho River. I don't know if because of the loss of the springs actually feeding the river because some streams quit flowing because of the water table dropping," she said.

Environmental specialists from other tribes, including the Eastern Shawnee, Peoria, Cherokee and Quapaw tribes submitted their findings and discussed the collaboration of the tribes to pool all of their data together in one place.

GRDA Environmental Specialist Richard Zamor summarized water quality issues facing Grand Lake



Conference

Rebecca Jim, LEAD Agency director, speaks at the 17th National Environmental Tar Creek Conference, Wednesday at the Coleman Theatre Ballroom.

which included the most recent issue, which was the highly publicized closing of the Grand Lake State Park at Bernice in 2014 due to elevated e-coli levels.

“While this doesn’t necessary address issues coming from the Tar Creek area, this is still a big deal affecting our state waters,” Zamor said.

Zamor outlined some of the myths and misconceptions surrounding the contamination incident but said all of their research ended up pointing to fecal contamination from Canadian geese, sometimes with 300 gathering at a time.

“Canada geese can produce and average one and a half pounds of feces an hour,” Zamor said. “So you can imagine, a pound and a half times 300 all day long at the beach is a lot.”

Zamor outlined the challenges GRDA had with originally identifying the source of the contamination that caused reports of gastrointestinal incidents from people who had been swimming at the park. He also explained the perplexity of decision making as to whether the beach needed to be opened or closed and the effects on the health and safety of the public and also the effects on the businesses in the area that depend on tourism.

The beach ended up being closed for the entire 2014 summer season.

Zamor outlined new testing methods have been discovered, developed and adopted that will help them have better recreational water quality monitoring in the future.

If all of their research proves useful over time, it might end up being a research model for water agencies around the state, he said.

The session ended with Grand Riverkeeper Earl Hatley of the LEAD Agency who said while the goal of the agency and the conference is to promote the mission to have swimmable, drinkable, fishable waters, there are area rivers and drinking sources that don’t fit the bill including some rural water district water sources, he said.

Rebecca Jim, LEAD Agency director encouraged the group to stay to the task, that the job is not finished and that they are also looking for the next generation of residents to take up the cause.

“It is our life, without it we can’t survive and we will do everything we can to make our water better,” she said.



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State of Tyler's water system

Posted: Oct 01, 2015 8:32 AM CDT
Updated: Oct 01, 2015 8:32 AM CDT

By Alex Osiadacz [CONNECT](#)

TYLER, TX (KLTv) - Tyler's city budget goes into effect Thursday which means approved funding for the city's expanding and aging water system.

If you get water through the city, you'll notice your rates increasing but the water utilities department says that's needed to keep it's system working.

Since January 1, the water utilities department has responded to 224 leaks ranging from minor to major.

Water utilities director Greg Morgan says it's downtown and North Tyler that have older lines and typically get the most calls for spot improvements.

"Areas of the city that probably go back to the early part of the 20th century early 1900s 1920 range and then we have parts of the system that are brand-new that were installed last year, says Morgan."

Morgan says 98 projects totaling 73.4 million dollars have been placed on the 10-year plan. Of which over \$27 million will be spent on state or EPA regulatory projects. He adds his department is balancing maintenance of existing lines and identifying where new services need to be added.

"It's also upgrading infrastructure making replacements and adding the lines so it's a continual process, Morgan says."

Morgan says a line loop about to go in will allow crews to shut down parts of the system without interrupting service. Adding some of those upgrades include meters helping customers identify leaks or problems with irrigation systems.

"We have a system that actually allows us to go in and look at a customer's water consumption in five minute increments so we can watch around the clock, Morgan says."

Morgan says planning for future costs has saved the city and taxpayers money in the present. Adding it also keeps rates from climbing by double digits as seen elsewhere in East Texas.

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Superfund talk dominant at Senate hearing on Colorado mine spill

Updated: 10/02/2015 02:24:24 AM MDT

DenverPost.com



Michael Bennet (left) and Cory Gardner (right)

- Sep 23:
- Gold King Mine's temporary treatment plant to open by Oct. 14
- Sep 17:
- EPA plans to monitor water for at least a year after Colorado mine spill
- Sep 16:
- Senate debates how to prevent another Gold King Mine disaster
- Draining old mines foul Denver's watershed every day with contaminants
- Sep 15:
- EPA sought bids for treatment plant at Colorado mine spill in August
- Sep 13:
- Mine site cleanup work suspended

Talk of Superfund designation was dominant Thursday as Colorado's senators listened to testimony in Washington about the small-business impacts of the Gold King Mine spill above Silverton.

"The spill makes clear the piecemeal approach of the past isn't working," Andy Corra, owner of 4Corners Riversports in Durango, said of cleaning up mine contaminants in southwest Colorado. "It's an ongoing problem. We need a comprehensive approach to cleaning this up."

Corra, who favors Superfund designation in the area of the spill, said his business saw a roughly \$30,000 loss in revenue after the disaster.

"As a business owner, it makes me reluctant to invest in the future if this is going to happen again," he said.

U.S. Sens. Michael Bennet, a Democrat, and Cory Gardner, a Republican, heard from three local business owners and leaders about the effects of the Aug. 5 contaminant release caused by the Environmental Protection Agency.

"We may not know the full extent for years to come," Gardner said of the spill's impact.

Brad Blake, a small-business owner in Durango who serves as a La Plata County commissioner, told the senators that impacts from the spill rippled through his community and are still being felt.

Blake said while a final tally of the spill's cost is still being calculated, one rafting company lost \$100,000 and overall about 150 employees were laid off as a result of the disaster. Blake explained that, moving forward, he is most concerned about repairing the reputation of Animas River.

"The 164 articles about the incident had a value of more than \$3.4 million in advertising," he

said. "The wrong kind of advertising."

U.S. Rep. Scott Tipton, R-Cortez, also addressed the senators, speaking first and strongly opposing the EPA designating Silverton and its surroundings as a Superfund site.

Silverton's residents have long opposed such a listing, which would place the area on the national priority list for hazardous waste cleanup and open up funding.

"I always believe that local communities know what's best for themselves," Tipton said, warning that a Superfund listing could "taint this area."

DeAnna Gallegos, executive director of the Silverton Area Chamber of Commerce, explained how her town is simply in search of any solution that can quickly mitigate the pollution.

"We are in an arranged marriage with the EPA," she said. "We have been working with the EPA for over 25 years."

Jesse Paul: 303-954-1733, jpaul@denverpost.com or @JesseAPaul


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U.S. fuel economy data on cars inaccurate and getting worse, study finds

WASHINGTON | BY IDREES ALI

Oct 1 The U.S. government's testing underestimates how much fuel cars will burn on the road, and the problem has gotten worse, according to a study released on Thursday.

The release of the study funded by the Department of Energy's Oak Ridge National Laboratory comes as regulators in the United States, Canada and Europe tighten their scrutiny of how cars perform in real-world conditions.

That comes after Volkswagen admitted last month to equipping its diesel cars with software that made the cars run clean in laboratory tests in order to hide actual emissions .

The gap between the better performance of cars in testing by regulators and the lower fuel economy drivers experience has been widely known. But a wider gap could jeopardize the United States from reaching its targets for reducing carbon emissions, according to the study by researchers at self reported the University of Tennessee and Oak Ridge

Fuel economy measurements used to certify compliance with federal regulations overestimated engine efficiency by roughly 15 percent for much of the 1990s and 2000s, research found.

But the Oak Ridge study found that driver-cited fuel economy was 25 percent below government estimates in 2013 and about 22 percent lower this year and last.

"The important thing is to see that the gap has been increasing by model year. We have to keep track of it and monitor to see that it doesn't increase," said David Greene, a senior fellow at the University of Tennessee, Knoxville, and one of the researchers.

The report analyzed approximately 75,000 individual fuel economy estimates reported by drivers to the EPA online.

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Responding to the report, the EPA said that while its "testing cannot and does not purport to reflect national average driving behavior, weather, and traffic conditions," its fuel economy label on cars accounts for those variables.

"Since 2008 average fuel economy as reported by drivers has been very closely aligned with the fuel economy labels," said Christie St. Clair, a spokeswoman with the EPA.

The VW scandal was unearthed by researchers at the U.S.-based nonprofit International Council on Clean Transportation, which hired researchers at a West Virginia University lab.

A 2013 study by the ICCT found an even wider gap between testing and real world carbon emissions. That study found the gap had increased from 8 percent in 2001 to 38 percent in 2013. The study concluded that up to half of that gap could be the result of manufacturers designing vehicles that would perform better in lab testing.

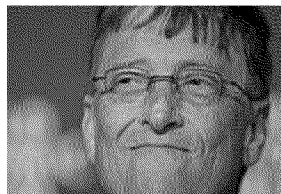
The EPA said last week that it would step up its emissions testing on all kinds of vehicles in road driving conditions after the VW admission of cheating on emissions testing. (Reporting by Idrees Ali, additional reporting by Patrick Rucker; Editing by Cynthia Osterman)

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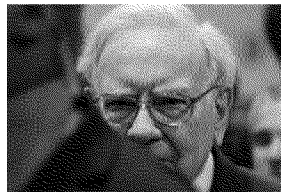
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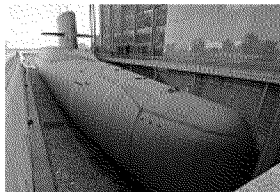
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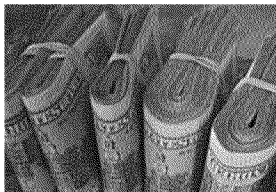
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